



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL
9TH FLOOR, L & C ANNEX
401 CHURCH STREET
NASHVILLE, TN 37243-1531

CERTIFIED MAIL 7006 2760 0001 8298 2318
RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

October 6, 2009

Mr. W. Layne Adams, Jr.
VP Retail Facility Management
Lowe's Home Centers, Inc.
P.O. Box 1111
North Wilkesboro, NC 28656-0001

Re: 72-0129-01 Lowe's Store # 2866
62054

Dear Mr. Adams,

The Division has reviewed your construction permit application dated May 30, 2008 and the new information dated September 17, 2009 for construction of a 350 KW Emergency Generator. Since you did not apply for a construction permit prior to commencing installation of this source on or about November 14, 2007, you are in violation of Rule 1200-3-9-.01, which requires construction permit applications to be submitted as much as four months prior to the estimated starting date of construction. Since you operated this source on or about November 14, 2007 without a valid operating permit, you are in violation of Rule 1200-3-9-.02(2) of the Regulations. This matter is being referred to the Division's Enforcement Program for any additional enforcement action that is necessary.

You are being presented with an opportunity to show cause why additional enforcement action should not be taken. The noncompliance described in this Notice of Violation will be evaluated to determine if additional enforcement action is necessary. If you have any information that proves the allegation of noncompliance to be unwarranted, or if you have information that documents mitigating circumstances relative to the noncompliance, you may submit that information in writing to the Technical Secretary, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531. Your written response must be submitted within 20 days of the receipt of this Notice of Violation.

October 6, 2009

Mr. W. Layne Adams, Jr, VP Retail Management Facility

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The Division will acknowledge your additional information prior to finalizing any enforcement action. If the Division determines that a civil penalty, damages assessment or corrective action schedule is needed, then a Technical Secretary's Order will be issued. Technical inquiries surrounding this allegation of noncompliance should be directed to Doug Wright at (615) 532-0583, and questions concerning the enforcement process should be directed to Tammy Medlen at (615) 532-0531.

Sincerely,



Randall Thompson, Chief
Middle Tennessee Permit Program

RT/DSW

APC-44S

cc: Chattanooga Environmental Field Office
Enforcement Program